

Remarks

The Office Action mailed August 11, 2006 has been carefully considered. Claims 1, 2, 9 and 38; 53, 54, 57, 58 and 60; 77, 84, 113, 129, 131, 132 and 134; 151; 152; and 153 have been amended to further define the payment engine of the present inventions. Thus, apparatus Claims 1-52; 53-76; and 77-150; and corresponding method Claims 151; 152; and 153 remain in the case with none of the claims having been allowed.

The previous Office Action had rejected Claims 1-153 as being anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 6,826,542 to Virgin *et al.* ("Virgin"). In response, the Applicant had previously amended its Claims 1; 53; 77 and 153 to add a payment engine. In this response, the Applicant has added further details of its payment engine to the pending claims to distinguish over the prior art cited by the Examiner. No new matter has been added and amendments have been made consistently with co-pending application U.S. Serial No. 11/105,737, which is a continuation of commonly owned U.S. Patent No. 6,044,362 issued to Neely on March 28, 2000.

The present inventions, as amended, include details of its payment engine and includes means for receiving an electronic invoice that is created by or on behalf of said invoicers from customer billing data and stored on a server and only extracted by or on behalf of said invoicers for customer review and a request for payment instructions from or on behalf of said invoicers. As shown in Figure 113B, a webserver 102 hosts an interactive session in which the customer accesses their invoice. (Page 27, lines 27-28) No data is downloaded onto the customer's computing unit, which includes billing information necessary to construct a complete invoice. This information is stored on the webserver and only extracted by or on behalf of said invoicers for customer review. (Page 27, lines 32-33) See, e.g. although the invoicer could host this server application itself, a preferred embodiment anticipates that an invoicer may choose to outsource webserver hosting or webserver and remittance processing to an outside company on behalf of the invoicer. (Page 28, lines 23-28)

In contrast, the Zervides reference discloses an electronic bill presentment and payment system wherein an invoice prepared by a separate Supplier may be transmitted across a public network to a customer. This appears similar to conventional 3rd party systems such as Hite 5,465,206 cited by Zervides. Thus, the invoice itself must first be created by the Supplier and

then sent to the EICS to be presented by EICS to the customer. The EICS does not create the invoice in the Zervides reference.

Thus, Zervides does not expressly teach that the electronic invoice is "only stored on a server by or on behalf of said invoicer from customer billing data". It is respectfully submitted that this rejection is moot in view of the present amendment whereby the claim language in each pending independent claim "stored on a server and only extracted by or on behalf of said invoicer" clearly means that only the invoicer or an entity acting on his/her behalf can store the electronic invoice data on the server. Since this is not the case with Zervides where the customer receives an invoice prepared by the Supplier and only forwarded by the EICS, it is respectfully submitted that it would completely destroy Zervides to modify it this way. Thus, it is respectfully submitted that the claims, as amended, are patentable over the cited references.

Finally, the limitation, "said payment instructions including at least a customer invoice account number and an associated customer payment account" has been deleted from each of the claims. It is respectfully submitted that this limitation is not necessary to distinguish the present inventions from the prior art. Support may be found in the Specification, see, e.g. page 23, lines 3-7.

The Applicant submits that by this amendment, he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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Date: January 11, 2007
File No.: 4156-006

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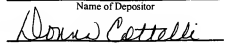
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